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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/735,762      | 12/13/2000  | David N. Berglund    | SAIL-004XX          | 6659             |

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BOSTON, MA 02109

EXAMINER

PERRIN, JOSEPH L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1746

DATE MAILED: 06/04/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/735,762

Applicant(s)

BERGLUND, DAVID N.

Examiner

Joseph Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II, claims 12-19, in Paper No. 6 is acknowledged.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 30 April 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. The non-English references without a concise explanation of the relevance have been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Art Unit: 1746

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 12-17 & 19 are rejected under 35 U.S.C. 102(a) as being anticipated by US 5,904,737 to Preston *et al.* (hereinafter "Preston").

Re claims 12-17, Preston discloses a method of operating a dry-cleaning system comprising: disposing substrates into a cleaning vessel 32 (for instance, col. 4, lines 39-40); evacuating the interior of the cleaning vessel 32 (for instance, col. 4, lines 46-47); equalizing the pressure between a first storage vessel 18/20 and the cleaning vessel 32 via a compressor and valves (for instance, col. 4, lines 50-53, Figs. 1A-1C & associated text); conveying dry-cleaning medium from a second storage vessel 20/18 to the cleaning vessel 32 via a compressor and valves (for instance, col. 4, line 62 *et seq.*, Fig. 1E & associated text); agitating the substrates in the cleaning vessel by rotating, e.g. in a rotatable basket (for instance, col. 2, lines 25-27 & col. 5, lines 24-25); conveying liquid dry-cleaning medium from cleaning vessel 32 to a second storage vessel 20/18

Art Unit: 1746

via a compressor and valves (for instance, col. 5, lines 44-48, Figs. 1F-1G & associated text); evacuating gaseous dry-cleaning medium from the cleaning vessel to the first storage vessel via compressor and valves (for instance, col. 7, lines 9-24); and raising the cleaning vessel internal pressure to atmospheric pressure by admitting air (for instance, col. 7, line 25).

Re claim 19, Preston further discloses evacuating gaseous dry-cleaning medium through the lower portion of a first storage vessel by bubbling gaseous dry-cleaning medium through liquid dry-cleaning medium, *i.e.* enabling heat transfer between gaseous and liquid dry-cleaning medium (for instance, col. 10, lines 4-6).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 1746

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Preston in view of US 5,850,747 to Roberts *et al.* (hereinafter "Roberts").

Recitation of Preston is repeated here from above.

Although Preston discloses that it is known to utilize a heat exchanger to control the temperature of a washing vessel/chamber (see, for instance, col. 5, line 51 *et seq.*), Preston does not expressly disclose utilizing a heat exchanger disposed within the washing vessel/chamber.

Roberts teaches that it is conventional to utilize a heat exchanger inside a dry-cleaning washing vessel/chamber "to prevent the interior temperature from descending below a prohibitively low level" during a "vapor recovery cycle".

Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the dry-cleaning method, disclosed by Preston, with a washing vessel heat exchanger, disclosed by Roberts, for the purpose of preventing freezing of the vessel which may cause damage to the treated substrates therein.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,442,980 and US 6,216,302, each to Preston *et al.*, which are continuations of Preston *et al.* cited above.

Art Unit: 1746

US 6,260,390 and US 6,212,916, each to Carr, which disclose dry cleaning processes using rotating basket agitation and jet agitation (and share a common assignee with the instant application).

US 5,943,721 to Lerette *et al.*, which discloses a dry cleaning system utilizing two storage tanks, heat exchangers, and a rotary basket wash vessel.

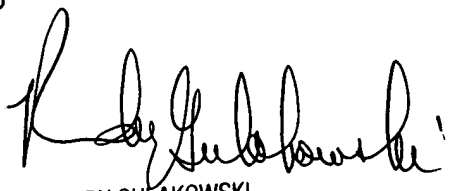
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph Perrin, Ph.D.  
Examiner  
Art Unit 1746

jlj  
May 27, 2003

  
RANDY GULAKOWSKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700